



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.11.2021

CORAM:

**THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
AND**

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

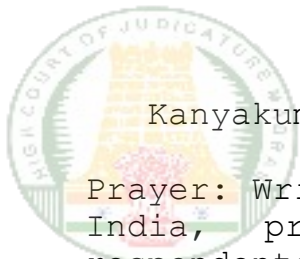
**W.P. (MD)No.20295 of 2021
and W.M.P. (MD) No.16958 of 2021**

J.Jeyasingh

... Petitioner

Vs.

- 1.The State of Tamilnadu,
Rep. by its Secretary,
Department of School Education,
Fort St. George,
Chennai - 600 009.
- 2.The Director of Elementary Education,
College Road,
Chennai - 600 006.
- 3.The District Collector,
Kanyakumari District
at Nagercoil.
- 4.The Superintendent of Police,
Kanyakumari District at Nagercoil.
- 5.The Revenue Divisional Officer,
Padmanabhapuram, Kanyakumari District.
- 6.The Chief Educational Officer,
Kanyakumari District at Nagercoil.
- 7.The District Educational Officer,
Thuckalay - 629 175,
Kanyakumari District.
- 8.The Inspector of Police,
Colachel, Kanyakumari District.
- 9.Mangayar Mangalam - Mathru Shakthi Tiraha
Kanyakumari District Public Charitable Trust,
Rep. by its Chairman,
Vama Nilayam, Gandhi Nagar,
Eraniel Road, Thuckalay - 629 175,



Kanyakumari District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents 1 to 8 to take appropriate steps to punish the culprits who demolished the building of KHMA Government Primary School, Neyoor West, Kanyakumari District on 11.08.2021, and provide adequate infrastructure and instructional facilities to the school, and prevent the 9th respondent from encroaching into the premises of the school situated in R.S.No.637/19 of Colachel Village (Now in Chemponvillai Village), Kanyakumari District.

For Petitioner : Mr.Xavier Rajini

For Respondents : Mr.P.Subbaraj,

Nos.1 to 8 Government Advocate

ORDER

(Order of the Court was made by
PUSHPA SATHYANARAYANA, J.)

The petitioner, who claims to be an old student of KHMA Government Primary School, Neyoor West, Kanyakumari District, and also belongs to a political party, has filed the Writ Petition, styled to be a Public Interest Litigation, seeking for a Mandamus, directing the respondents 1 to 8, who are official authorities, to take appropriate steps to punish the culprits who demolished the building of KHMA Government Primary School, Neyoor West, Kanyakumari District on 11.08.2021, provide adequate infrastructure and instructional facilities to the school, and prevent the 9th respondent from encroaching into the premises of the school situated in R.S.No.637/19 of Colachel Village (Now in Chemponvillai Village), Kanyakumari District.

2.Mr.P.Subbaraj, learned Government Advocate, accepts notice on behalf of respondent Nos.1 to 8.

3.By consent of both sides, this Writ Petition itself is taken up for final disposal at the time of admission.

4.It is stated in the affidavit filed in support of the Writ Petition that a portion of the school building was collapsed in the year 2017. It was subsequently renovated, which was objected to by the 9th respondent, according to the petitioner. A complaint is said to have been lodged by the Headmaster of the school before the 8th respondent on 13.06.2017, the progress of which is not known. It is further alleged that on 11.08.2021, certain unruly elements demolished three class rooms and compound wall of the school with JCB.



5. Though it is stated that the Headmaster has lodged a complaint before the 8th respondent, copy of the same is not furnished in the typed set of papers. The petitioner seems to have given a complaint dated 18.08.2021, to the official respondents. However, it is not known whether the same was received by the official respondents and whether it was sent by post or in person. Without any materials, the petitioner has approached this Court for taking action to punish the persons, who have demolished the elementary school building. First of all, there is no element of public interest involved in the Writ Petition, excepting that the petitioner claims to be an old student of the school. The school management has not come forward to give any complaint. Further, the alleged complaint was not followed up. Therefore, there is no truth in the averments made in the affidavit filed in support of the Writ Petition. Hence, we are not inclined to entertain this Writ Petition. However, it is open to the petitioner to move appropriate authorities, seeking appropriate remedy.

6. The Writ Petition is dismissed with the above observation. No costs. Consequently, connected Miscellaneous Petition is also dismissed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sj

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To:

1. The Secretary,
Department of School Education,
State of Tamilnadu,
Fort St. George,
Chennai - 600 009.
2. The Director of Elementary Education,
College Road,
Chennai - 600 006.



3.The District Collector,
Kanyakumari District
at Nagercoil.

4.The Superintendent of Police,
Kanyakumari District at Nagercoil.

5.The Revenue Divisional Officer,
Padmanabhapuram, Kanyakumari District.

6.The Chief Educational Officer,
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7.The District Educational Officer,
Thuckalay - 629 175,
Kanyakumari District.

8.The Inspector of Police,
Colachel, Kanyakumari District.

+1 CC to M/s.SPL.GP (SR-34272[F] dated 12/11/2021)

W.P (MD) No.20295 of 2021
11.11.2021

SS (CO)
KB (24.11.2021) 4P 10C